

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THORNE THOMAS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 12-1434
	)	
	)	Judge Joy Flowers Conti/
	)	Magistrate Judge Maureen P. Kelly
SGT. WAUGH; C/O BRUBAKER,	)	
	)	
Defendant.	)	

**ORDER**

AND NOW, this 17th day of January, 2014, after the Plaintiff, Thorne Thomas, filed an action in the above-captioned case, and after Defendant, Brubaker filed a Motion to Dismiss, ECF No. 25, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until December 30, 2013, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss submitted on behalf of Defendant Brubaker, ECF No. 25, is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

/s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
Chief United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

Thorne Thomas  
647 Long Lane  
Apartment 2  
Upper Darby, PA 19082

All Counsel of Record Via CM-ECF